

## REMARKS

By the subject Amendment, Applicants have cancelled Claims 10, 11, 16, 17, 22, 23 and 26 to 29 and amended Claims 1, 18, 20, and 24. Accordingly, Claims 1 to 9, 12 to 15, 18 to 21, 24 and 25 are presently pending herein. Claims 1, 20 and 24 are presented in independent form.

Applicants submit herewith four (4) Replacement Sheets depicting Figures 4 through 8 with the proper cross-hatching. Accordingly, Applicants respectfully request that the drawing objection to Figures 4 to 8 be withdrawn.

Applicants have amended the Specification at page 13, line 20 by changing reference numeral "22" to reference numeral --23-- in accordance with the Examiner's suggestion in paragraph 2 of the Official Action.

Applicants have amended Claim 20 to change "side wall" to "side surface" to address the Examiner's concerns raised in paragraph 3 of the Official Action.

Claim 18 recites that the basket portion and the plug portion of the assembly are formed from rubber, plastic or metal. Applicants respectfully submit that the Specification at page 17, lines 18 and 19 provides clear antecedent basis for the subject matter of Claim 18.

Claims 1, 2, 4, 5, 12 to 17, 19 and 24 to 29 were rejected under 35 USC § 102 (b) as allegedly being anticipated by *Brotz*. Claim 3 was rejected under 35 USC §103 as allegedly being obvious over the combination of *Brotz* and *Richards*. Claims 6 to 11 and 20 to 23 were rejected under 35 USC §103 as allegedly being obvious over the combination of *Brotz* and *Worswick*. Claim 18 was rejected under 35 USC §103 as allegedly being obvious over the combination of *Brotz* and *Felder*.

Applicants respectfully submit that all pending claims patentably define over the prior art for at least the reasons provided below.

Applicants' invention, as recited in Claim 1, is directed to a sink basket and plug assembly. The assembly includes a basket portion including a well having at least one fluid passageway extending therethrough. The assembly further includes a plug portion at least partially receivable within the well. The plug portion has an open and a closed position. When in the closed position, the plug portion restricts the passage of fluids through the fluid passageway in the well. When in the open position, the plug portion permits the flow of fluid through the fluid passageway in the well. At least one of the basket portion and the plug portion includes an indexing member and the other of the basket portion and the plug portion includes an indexing receiver *having a leading ramp on one side thereof and a trailing ramp on the other side thereof*. The indexing member is releasably receivable within the indexing receiver such that when the indexing member is received within the indexing receiver the plug portion is retained in the open position. When in the closed position, rotation of the plug portion causes the indexing member to engage the leading ramp and urge the indexing member into the indexing receiver.

The prior art does not teach or suggest an indexing receiver having a leading ramp on one side thereof and a trailing ramp on the other side thereof. Further, the prior art does not teach or suggest an assembly in which rotation of the plug portion, when in the closed position, causes the indexing member to engage the leading ramp and urge the indexing member into the indexing receiver. Richards and Felder are completely devoid of any form of indexing member and indexing receiver. Brotz merely discloses recesses 21 and projections 20. Notably, Brotz fails to disclose an indexing receiver that includes a leading ramp and a trailing ramp as well as an assembly in which rotation of the plug portion, when in the closed position, causes the indexing member to engage the leading ramp and urge the indexing member into the indexing receiver.

Worswick is equally deficient as it merely discloses grooves 12 and ears 16. Accordingly, Applicants respectfully submit that Claim 1 is patentable.

Claims 2 to 9, 12 to 15, 18 and 19 depend directly or indirectly from Claim 1 and, therefore, are allowable for at least the reasons Claim 1 is allowable.

Applicants' invention, as recited in Claim 20, is directed to a sink basket and plug assembly. The side surface of the basket portion includes a leading and trailing ramp positioned on opposite sides of a channel. This feature is clearly not taught or suggest by the prior art of record. Claim 20 further recites that when the plug portion is in the closed position and rotated, the tab engages the leading ramp such that with continued rotation of the plug portion the engaged leading ramp urges the tab into the channel to place and maintain the plug portion in the open position. Once again, the prior art fails to teach or suggest this feature of Applicants' invention. Accordingly, Applicants respectfully submit that Claim 20 is patentable.

Claim 22 depends from Claim 20 and, therefore, is allowable for at least the reasons that Claim 20 is allowable.

Applicants' invention, as recited in Claim 24, is directed to a sink basket and plug assembly. The side surface of the plug portion includes a leading and trailing ramp positioned on opposite sides of a channel. The prior art fails to teach or suggest this feature. Claim 24 further recites that when the plug portion is in the closed position and rotated the leading ramp engages the tab such that with continued rotation of the plug portion the leading ramp causes the plug portion to be lifted until the channel is received over the tab with the plug portion maintained in the open position. This feature is clearly not taught or suggest by the prior art. Hence, Applicants respectfully submit that Claim 24 patentably defines over the prior art.

Claim 25 depends from Claim 24 and, therefore, is patentable for at least the reasons that Claim 24 is patentable.


Applicants respectfully submit that the subject patent application is in condition for allowance. Therefore, Applicants request that the subject patent application be passed to issuance without delay.

It is believed that no fees are due. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 50-0562 and notify the undersigned in due course.

Date:

10/19/05

Respectfully submitted,

  
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